



1        There is no constitutional right to appointed counsel for a federal habeas corpus proceeding.  
2        *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Bonin v. Vasquez*, 999 F.2d 425, 428 (9th Cir. 1993).  
3        The decision to appoint counsel is generally discretionary. *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th  
4        Cir. 1986), *cert. denied*, 481 U.S. 1023 (1987); *Bashor v. Risley*, 730 F.2d 1228, 1234 (9th Cir.), *cert.*  
5        *denied*, 469 U.S. 838 (1984). However, counsel must be appointed if the complexities of the case are  
6        such that denial of counsel would amount to a denial of due process, and where the petitioner is a person  
7        of such limited education as to be incapable of fairly presenting his claims. See *Chaney*, 801 F.2d at  
8        1196; *see also Hawkins v. Bennett*, 423 F.2d 948 (8th Cir. 1970). The claims in this case are not  
9        especially complex. Also, the Court notes from the petition, and from the other documents that  
10       petitioner has submitted to the Court, that petitioner is able to present matters to the Court in an  
11       organized and understandable manner. Petitioner's motion shall be denied.

12       **IT IS THEREFORE ORDERED** that the Clerk shall **FILE and ELECTRONICALLY**  
13       **SERVE** the petition (ECF No. 1-1) and the motion for appointment of counsel (ECF No. 1-2) upon the  
14       respondents.

15       **IT IS FURTHER ORDERED** that the motion for appointment of counsel is **DENIED**.

16       **IT IS FURTHER ORDERED** that respondents shall have **forty-five (45)** days from entry of  
17       this order within which to answer, or otherwise respond to, the petition. In their answer or other  
18       response, respondents shall address any claims presented by petitioner in his petition as well as any  
19       claims presented by petitioner in any Statement of Additional Claims. Respondents shall raise all  
20       potential affirmative defenses in the initial responsive pleading, including lack of exhaustion and  
21       procedural default. **Successive motions to dismiss will not be entertained.** If an answer is filed,  
22       respondents shall comply with the requirements of Rule 5 of the Rules Governing Proceedings in the  
23       United States District Courts under 28 U.S.C. §2254. If an answer is filed, petitioner shall have **forty-**  
24       **five (45) days** from the date of service of the answer to file a reply.

25       **IT IS FURTHER ORDERED** that, henceforth, petitioner shall serve upon the Attorney General  
26       of the State of Nevada a copy of every pleading, motion, or other document he submits for consideration  
27       by the Court. Petitioner shall include with the original paper submitted for filing a certificate stating the  
28       date that a true and correct copy of the document was mailed to the Attorney General. The Court may

1 disregard any paper that does not include a certificate of service. After respondents appear in this action,  
2 petitioner shall make such service upon the particular Deputy Attorney General assigned to the case.

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4 Dated this 19th day of July, 2011.

A handwritten signature in blue ink, appearing to read "L. Hicks", is written above the printed name of the judge.

7 LARRY R. HICKS  
8 UNITED STATES DISTRICT JUDGE  
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